

Voter ID laws boost democracy

By Stephan And Abigail Thernstrom | Wednesday, August 15, 2012 | <http://www.bostonherald.com> | Op-Ed

Without a personal identification card issued by some level of government, you are a second-class citizen.

You cannot board an airplane, ride an Amtrak train, buy a six-pack of beer or a pack of cigarettes, open a checking account, enter many public and some private office buildings or even attend an NAACP convention without proving that you are who you say you are. You cannot even qualify for means-tested public support programs such as Medicaid without valid identification.

These requirements have provoked strikingly little objection from the American public. No one argues that it is grossly discriminatory to deprive people without picture IDs access to this wide range of places, programs and activities.

But when it comes to voting, that is exactly the argument. The Democratic Party, the attorney general of the United States and a vocal chorus from the civil rights community are waging war on voter photo ID laws enacted recently in 10 states, laws they see as part of a new voter suppression movement.

In their view, measures ostensibly designed to limit the franchise to people who are U.S. citizens and legal residents of the jurisdiction in which they seek to vote have the real purpose of disfranchising poor people in general and especially poor African-Americans and Latinos.

The charge leveled against photo ID requirements has a particularly nasty echo: It is, critics say, no different than the Jim Crow poll tax used in Southern states until the mid-1960s to keep blacks from the voting booth.

But the Supreme Court has addressed that issue. In a 2008 decision upholding Indiana's voter ID law, the opinion of the court, written by Justice John Paul Stevens — certainly no conservative — dismissed the poll tax argument on the grounds that the state had a legitimate interest in preventing voter fraud. Five justices agreed with him.

Critics of ID requirements assert that voting is special — a right, not a privilege, and therefore not comparable to things like driving a car or gaining access to the NAACP convention. But the distinction is not so clear. Medicaid is arguably a right for those who are income eligible.

And rights are not absolute. Nine-year-olds cannot vote; nor can illegal immigrants. An estimated 1 million illegal immigrants live in Texas. If many of them turned up at the polls and were able to vote in the absence of a requirement for government-issued identification, the right of all Texas citizens to choose their representatives might be seriously compromised.

Many of the voter ID laws will first be tested in the 2012 presidential election. For now, no one can say with great certainty how they will affect minority and low-income political participation, and that's a question that deserves further study.

New York University's Brennan Center for Justice recently issued a report claiming that 11 percent of voting-age citizens who live in the states that have passed voter ID laws currently lack valid identification credentials. The Brennan Center also marshals evidence that getting IDs could be difficult for these mostly poor, mostly minority and often elderly citizens. But how many of those who lack an ID actually voted in the past?

Over the last four presidential elections, nearly 40 percent of American citizens eligible to cast a ballot did not bother to do so. It is reasonable to surmise that a high proportion of the people who had not taken the trouble to get a government-issued photo ID may be among that huge group of no-shows. If they weren't going to vote anyway, new ID laws wouldn't affect their behavior.

In the case of Indiana, whose voter ID law was in effect for the 2008 presidential election, there is some data about participation. That was a very good year for Democrats in general, but Democratic turnout rose more in Indiana, with its ID law in force, than in any other state. Georgia, which also had a new voter ID law in place that year for the first time, also had a huge jump in turnout, almost all of it from Democratic voters.

There are better and worse ID laws, and it seems obvious that the requisite proof of identity should not be needlessly burdensome to get; the process should be made as convenient as possible. The Texas Department of Public Safety, for example, provides free election identification cards to citizens who request them. Every state should make acquiring an ID equally easy.

President Ben Jealous of the NAACP has blasted voter ID laws and called for a "high tide of registration and mobilization and motivation and protection."

If, indeed, the voter ID laws inspire drives to register citizens and get them to the polls (and get them photo IDs), won't America be better off? More people will gain the freedom to watch an argument in a court of law, board a train or a plane, and even buy a bottle of scotch. Democracy will have been enhanced. Sensible civil rights advocates might consider that, and join the drive for ID laws.

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